

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

COMMISSIONER OF THE DEPARTMENT OF
LICENSING AND CONSUMER AFFAIRS; and
GOVERNMENT OF THE UNITED STATES VIRGIN
ISLANDS,

Civil Action No. 1:25-CV-00024

Plaintiffs,

v.

PEPSICO, INC.;
PEPSICO CARIBBEAN, INC.;
THE COCA-COLA COMPANY; and
CC ONE VIRGIN ISLANDS, LLC,

Defendants.

PLAINTIFFS' MOTION TO REMAND

The Commissioner of the Department of Licensing and Consumer Affairs and Government of the United States Virgin Islands (collectively, the “Government”) moves to remand this matter to the Superior Court of the Virgin Islands pursuant to 28 U.S.C. § 1447(c) for the following reasons, which are more fully explained in the accompanying memorandum in support of motion:

1. No allegations in the Complaint necessarily raise an actually disputed and substantial federal issue;
2. The Government has pleaded solely violations of U.S. Virgin Islands law, and Defendants’ theory stretches the artful pleading exception into inappropriate territory; and
3. Supplemental jurisdiction is not supported here because no allegations raise a federal question.

Dated: June 18, 2025

RESPECTFULLY SUBMITTED,

/s/ Jalicha Persad

JALICHA PERSAD

ASSISTANT ATTORNEY GENERAL

VIRGIN ISLANDS DEPARTMENT OF JUSTICE

Office of the Attorney General

3438 Kronprindsens Gade

GERS Building, 2nd Floor

St. Thomas, USVI 00802-5749

T: (340) 774-5666 Ext. 10121

*Attorney for Plaintiffs Commissioner of the
Department of Licensing and Consumer Affairs and
Government of the United States Virgin Islands*

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Claire Lockerby Chapla
Weil, Gotshal & Manges LLP
2001 M Street NW
Suite 600
Washington, DC 20036
202-682-7234

Claire.chapla@weil.com

Attorney for PepsiCo Caribbean, Inc. and
Pepsico, Inc.

Chad C. Messier
Dudley Newman Feurezeig LLP
100 Frederiksberg Gade
St. Thomas, VI 00802
340-774-4422

cmessier@dnfvi.com

Attorney for The Coca-Cola Company

Andrew C. Simpson
Andrew C. Simpson, P.C.
2191 Church Street Suite 5
Christiansted
St. Croix, VI 00820-5087
340-719-3900

asimpson@coralbrief.com

Attorney for PepsiCo Caribbean, Inc. and
Pepsico, Inc.

Christopher Allen Kroblin
Kellerhals Ferguson Kroblin PLLC
Royal Palms Professional Building
9053 Estate Thomas, Suite 101
St. Thomas, VI 00802-3602
340-779-2564
888-316-9269 (fax)

ckrobin@kellfer.com

Attorney for CC One Virgin Islands, LLC

Arianna M. Scavetti
Weil, Gotshal & Manges
2001 M Street NW
Suite 600
Washington, DC
202-682-7291

Arianna.scavetti@weil.com

Attorney for PepsiCo Caribbean, Inc. &
Pepsico, Inc.

Andrew S. Tulumello
Weil, Gotshal & Manges
2001 M Street, NW
Suite 600
Washington, DC 20036-5306
202-682-7000

Drew.tulumello@weil.com

Attorney for PepsiCo Caribbean, Inc. and
Pepsico, Inc.

By: /s/ Jalicha Persad
Jalicha Persad, Esq.